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Inaugural Address

OF

Governor Peter Norbeck

TO THE

Fifteenth Legislative Session

OF THE

State of South Dakota

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# Inaugural Address

GENTLEMEN:-The Constitution provides that the Governor shall deliver an address to you upon this occasion and give you such information as he can regarding the general condition of affairs in the state, and make such recommendations and suggestions as may be deemed proper.

You have just listened to the address of the retiring Governor, Frank M. Byrne, which address contains much information and many valuable suggestions. He has given close attention to the duties of this office for the past four years and is unusually well informed in matters of state. You are being furnished with reports from the heads of institutions and the; heads of the departments ; these will aid you in the consideration of the many matters before you.

The people of this state have much for which to be thankful. We live in an era of wonderful development. The natural resources of this state excel those of any in the Union, as evidenced by the highest per capita increase in wealth for many years. Our people are prosperous as is shown by the unusually heavy deposits in our state and national banks. We are fortunate in two respects, first, in that we are living in the right age; second, because we are living in the right place, for this is not only a land of opportunity, but it is the home of honest, intelligent, progressive, hard working, God fearing people; in fact, a citizenship that will compare favorably with the people of any state or any country at any time.

Unfortunately our natural resources and our opportunities are not fully appreciated by our people, many of whom experienced a hard struggle in pioneer days. If we could cultivate a state pride based upon the actual condition of affairs as they exist, it would contribute in a much larger degree to the welfare and happiness of our people. I almost believe it would pay to maintain our immigration department if for no other reason than to lay the facts before our own people from year to year, in order that we might fully understand and more thoroughly appreciate what we have.

Our educational and other institutions are growing and responding to the demands which are being made upon them. The state finances are in splendid condition and it is with considerable pride that we read the report of the State Treasurer at the close of the last fiscal year, June 30th, informing us that there was sufficient cash in the state treasury to more than meet all outstanding obligations, as it was the first time in many years that a showing like this could be made. Since that date expenses have continued and taxes have been coming in slowly, so there are some outstanding warrants, but they are insignificant compared to our wealth and resources.

### **PROHIBITION**

The people of this state have by their vote declared for state wide prohibition by a large majority. It is the admitted duty of this legislature to pass a law, putting it into force and effect. We should profit by the past experience this state has had with this question and pass a law that can and will be enforced in each and every part of the state. We had one experience with state-wide prohibition that did not prove satisfactory and the prohibition amendment was, after a number of years, repealed. The failure of the law at that time was in my judgment due entirely to the lax enforcement that was had, and this was attributable to the fact that enforcement was, in actual practice, largely optional with each locality. The law, therefore, was violated in those communities where the prohibition law was unpopular. Such a condition creates a disregard and disrespect for the law that is far-reaching in its consequence. Most laws are easier to enforce, for the violation of them would be a crime against property or persons, whereas the prohibition law is simply one for better morals and preservation of public health and safety.

It is my opinion that most of the county officers elected will endeavor to enforce the law. Where they fail to do so, it should devolve upon the officers of the state, such as the Attorney General and the Governor, to see that the law is properly enforced. This can only be done by granting them the authority to act.

The enforcement of the law should not fall upon private citizens. They should not be compelled to act the part of detectives or officers in securing evidence and signing complaints.

A private citizen signing a complaint subjects himself to liability to suits for damages and malicious prosecution, whereas an officer of the law is protected.

I recommend that the Attorney General be vested with power to direct prosecutions to such an extent as in his judgment or that of the Governor is necessary, and that a new office be created, to be known as the State Prohibition Commissioner or by some other appropriate title. This officer should be appointed by the Governor and hold office during his plea, sure. It should be his duty to gather evidence as to the violation of the law and, if necessary, to make complaints and generally to secure the enforcement of the law.

Such a method would save much expense, for if intending violators knew that they would be promptly and vigorously prosecuted, there would be fewer violations.

I also recommend that the Governor be empowered to remove any states attorney or sheriff who fails to enforce the law. This power is granted to the governors in many states. It is a power which would be exercised only in extreme cases, but would greatly strengthen law enforcement.

### **STATE EDUCATIONAL INSTITUTIONS**

Our state is fairly well provided with educational institutions, although the location of some is rather unfortunate and consequently reduces the attendance. The Springfield Normal was established in 1897. It has about two hundred and sixty students. The Aberdeen Normal was established five years later and has seven hundred thirty-eight students. These schools -is well as our other educational institutions have competent and efficient faculties. The difference in attendance must be due in a large measure to the advantage of location. Unfortunately the state's investment in buildings and grounds is so large that it is not advisable to change the location or abolish any of our normal schools. I suggest that the report of the Board of Regents be read carefully by every member of the legislature. The recommendations are more conservative than in previous years and it is plain that the Board has made an effort to pare down all recommendations to the point where the money can be provided. In the past, recommendations have been based almost entirely upon the needs of the institutions and have therefore been too high for favorable action by the legislature,

which is limited in the expenditure of money. In some states a one mill levy is made for the maintenance of the University alone, while in South Dakota a one mill levy is the total tax raised for state expenses and the maintenance of all institutions, educational as well as otherwise. I have recently visited nearly all the educational institutions in the state and it is my opinion that they compare *very* favorably with similar institutions of other states. Our State University has under adverse circumstances made splendid progress under the management of the present faculty. Its buildings are over-crowded, its dormitory is entirely inadequate, the same condition as that prevailing at the Northern Normal at Aberdeen. At some of the other institutions, where the dormitories are not fire proof it is imperative that remodeling be immediately undertaken to the extent that wooden stairways be removed and metal stairways be installed as recommended by the Board. The state owes this protection to the students.

This legislature cannot meet all the requirements but should endeavor to comply with the recommendations of the Board of Regents.

### **State Normal Schools**

i believe our Normal Schools have splendid faculties, are well managed and doing good work. They are not only preparing teachers for our schools, but giving a splendid opportunity for general education. The only difficulty is that they do not reach a very much larger number. These schools were established to educate and develop a teaching force for our common schools. About ninety per cent of our people get all their education in the public or common schools. Therefore they are the most important part of our educational system. I learn, however, that the course of study in our State Normal Schools is such as to discourage the purpose for which they were originally intended. It takes several years to complete the course and get a diploma and by this time the graduates are often unwilling to <sup>go</sup> into the country schools and teach ; consequently our rural schools are often supplied with teachers who are entirely lacking in normal training-the art of teaching.

Our High Schools do not supply the need, although a very large percentage of the graduates become teachers. The High School courses embrace higher mathematics, foreign languages,

even dead languages, to the exclusion of normal training. I certainly have no criticism of any subject taught, but merely mention this to show that those who teach our country schools have not been especially prepared for their work. The summer schools and the institutes have in part helped to remove the handicap. but our Normal Schools must be enlarged and shorter courses offered, or normal training must be taught in our High Schools. If the latter course is to be adopted state aid must be provided.

### **State Agricultural College**

The growth of the college is phenomenal. It has a splendid faculty, several of whom have national reputations, and is doing good work. The legislature should listen sympathetically to the needs of this school, as well as the recommendations of the Board of Regents, and bear in mind that even if the requests of the Board are complied with this will not meet the growing demand upon the college. I do not want to speak too critically of the work being done by our state institutions, but, I think it will be admitted that there is always room for improvement in every line of human endeavor. It is my opinion that there is also room for improvement at the agricultural college as well as normal schools and other state institutions.

This college was established for the purpose of aiding and promoting the farming interests of this state. I fear that the tendency of all our agricultural schools is to educate the boys away from the farm instead of back to the farm. According to the alumni list given in our last catalog there appears to be over 400 graduates from the various departments of the college and it seems we have only seventy-three graduates who are in any way connected with teaching or promoting better agriculture, either in school or as county agents, foresters or dairy inspectors, with the U.S. Department of Agriculture or otherwise, and only two graduates in veterinary science. Of this seventy-three only seventeen are engaged in this state, aside from those engaged in the U. S. Department and the college jointly on sub-stations, and as specialists in extension work, of whom there are probably a dozen.

On the other hand, we have graduated during the same time:  
90 pharmacists.

79 engineers, electricians and machinists.

37 who have become physicians, most of whom graduated in pharmacy.

20 who have become lawyers.

13 merchants and salesmen.

23 who are engaged in real estate, banking and loan business, or are editors or dentists.

86 in still other occupations having no relation to agriculture.

This takes into account only the male graduates, including all male graduates from the beginning, 1886, to the close of 1915. It appears that approximately four per cent have become farmers in South Dakota and twelve per cent are farming elsewhere. In other words less than 20 per cent are engaged in work in any manner connected with the teaching or promotion of better agriculture.

This, of course, does not take into consideration those who have taken the short five months course at the college. These go back to the farm and make for better farming in their various communities. There must be something wrong. I believe that greater emphasis should be placed upon actual farm work at the college so that every boy should put in at least one quarter of his time in actual work connected with farming and stock husbandry before his diploma is granted. Certainly it would seem right to apply this to the agricultural course at least. Many of these young men hope to go into various communities as farm agents or teachers of better farming. How can they enjoy the respect and confidence of practical, hard working farmers if they cannot properly harness a team, prepare the field for and put in a crop, cultivate a row of corn or properly care for cattle and hogs?

True, many of these boys come from the farm-most of them from well managed farms, but some do not and several come from the towns and cities. I believe that it should be the purpose of the college to teach better farm methods and unless they are taught by actual contact with the work in hand a true appreciation of its value cannot be had. I fear the tendency is to stay too close to the class room and the dignity of labor is not encouraged as it should be.

I do not offer this as a criticism upon the faculty nor the



Board of Regents. I think this has been the tendency of all the agricultural schools-possibly less in South Dakota than elsewhere. The management has also been handicapped in not having sufficient land or equipment with which to work, but I take this occasion to suggest that the legislature take this matter under careful consideration to the end of making the agricultural college a still greater factor in the development of better farming, and instilling into the minds of our boys the fact that farm life offers greater opportunities than do the now over-crowded professions.

### **State School of Mines**

At the time this institution was established it was believed that the entire Black Hills country would develop a greater number of mines and that there would be a correspondingly increasing demand for mining engineers. Later years have shown that this demand did not develop and that the young men who graduate do not find positions in this state as mining engineers and are compelled to seek other employment or to leave the state in order to secure employment in their chosen profession.

President O'Hara, is a man of exceptional ability, has gathered around him a splendid faculty, and the institution over which they preside has contributed to the cause of general education in South Dakota. The attendance, however, is small, and the per capita cost of maintaining the institution correspondingly high, although there are signs of improvement in the matter of attendance during the last few months. It might be well for this legislature to consider the possibility of consolidating this institution with some other school, and the use of the buildings for some other state purpose. It may be that other courses should be added and the scope of the institution enlarged so as to include such work as is being done at the State University and the State College of Agricultural and Mechanics Arts at Brookings. It appears to be quite generally agreed that the field is too small for an exclusive school for the education of mining engineers.

While we are all agreed, I believe, that expense should not stand in the way of the education of the youth of our state, yet we, as practical business men, are compelled to view the work of our educational institutions from a financial as well as

an educational standpoint, to the end that the best interests of our commonwealth may be promoted to the greatest advantage of our future citizenship.

### **Rosebud Normal School**

Large parts of our state settled in recent years are not accessible to any of our state normal schools or other educational institutions. There is necessity at the present time for a normal school in that part of the state known as the Rosebud country. This part of the state is an excellent country, it is thickly settled by a good class of citizens, they are paying a considerable part of the state tax and they sorely feel the need of better educational opportunities for their children and they are entitled to relief.

### **Schools in Unorganized Counties**

At the present time there is no provision of law for forming school districts in unorganized counties. This works a hardship on settlers in those counties, for there happen to be good sized settlements in some counties where the total white population is not large enough to make the forming of county organizations advisable. I believe the law should be so changed that school districts could be formed and schools established, wherever necessary. The supervision of these schools should be placed under the superintendency of some adjoining county.

### **Free Textbooks**

The state owes to its youth the best educational training that can be attained and it is urged that as a means to this end, the state should provide free textbooks for the use of pupils in our public schools. Many states are doing this and the furnishing of free textbooks is correct in principle. At its recent convention the State Educational Association unanimously endorsed the furnishing of free textbooks as a step in the right direction. This legislature would do well to afford to those of our citizens who are interested in education an opportunity to fully present their theories on this feature of our educational system and take such action as in the wisdom of the legislature appears proper.

### **CHARITABLE AND. PENAL INSTITUTIONS**

I have personally visited most of the institutions and have carefully considered the last report of the State Board of Charities and Corrections. 'Most of the institutions are managed by

superintendents competent and experienced and are in a very satisfactory condition, except that they are crowded to their full capacity and some of them are over-crowded. I believe that the average condition of these institutions will compare favorably with that of other states.

### **School for Deaf**

With the equipment with which this school has been provided, it has clone most excellent work under the continued superintendency of Howard W. Simpson, who, because of his training in the service of this school is peculiarly qualified for this line of work. There are now ninety pupils enrolled and a class of seventeen was graduated last year. For the second time Mr. Simpson recommends the purchase of an additional 100 acres of land for the purpose of establishing a course in agriculture and I desire to most strongly endorse this recommendation to the legislature as being backed by sound sense and reason. Allow me to quote Mr. Simpson's report of two years ago:

"Briefly, this is an agricultural state, and will always be such. Seventy-five or eighty per cent of our boys come from farms, and should by all means be induced to remain upon the farm after leaving school. That is one place where the deaf man can compete with his hearing neighbor and not be handicapped because of his deafness. Any trade for which we may fit a deaf boy does not offer exactly the same opportunity to a deaf man that it does to a hearing workman. In addition to that, the boys we fit for industrial life must, in a large percentage, seek work in industrial centers, which means their removal from the state. Upon analysis it is indeed strange that a state educational institution should encourage in any degree the removal of any portion of her citizenship without the borders of the state. "

"Back to the soil" is the slogan of today and it most certainly seems the right thing for the deaf boy, it being practically impossible for him to qualify for the trades and professions.

### **State School and Home for Feeble Minded**

This institution is one of the best, of its kind in the west, yet it is handicapped greatly by lack of sufficient room. Both Superintendent Kutnewsky and his estimable wife have devoted

the best fifteen years of their lives to the up building of this institution Kutnewsky is now assisted in his work by his daughter, Miss Edna, who has shown remarkable ability in the department over which she presides. The legislature should read carefully the Doctor's recommendations in regard to keeping the feeble minded within an institution. The danger to society in intermarriage by people of this class is little realized and I cannot too strongly urge upon you the necessity of a compulsory law which will keep them within an institution. At the present time there is no law by which commitment can be compelled. nor is there any law for retaining them after they have become patients at the institution. Their leaving results in applications coming to the institution a few years later for readmission for themselves, and their children. Dr. Kutnewsky estimates in his report that if all feeble minded persons in the state were confined in such an institution, we would, in thirty years. see a material decrease in the number. It is well established that this affliction is very largely hereditary.

Every bed is full and every room is crowded. It is impossible to take proper care of any more. A few additional, of the most pressing cases, are being taken in, but an emergency appropriation to complete and equip the building now under construction is urged. But even this will not relieve the congestion until the next legislature convenes, so additional room should be provided.

### **State Training School**

The task of Superintendent A. R. Schlosser is not an easy one. The matter of reformatory schools is a problem which has been solved only in part. Further experience will be necessary to determine the best plan of dealing with these young delinquents. There are, as you will see from the Superintendent's report, about ninety boys and twenty-five girls in this institution. One thing is certain, their training should be on the line of developing in them a sense of their obligations to society and their opportunities in life. Habits of industry, which, to my mind are the most important part of any education, should be instilled in them. They should, as far as possible, be taught such work or trade as will be useful to them in after life. This is an agricultural state and a goodly number come from farms end should be trained for farm life.. It would be better for

everybody if they went back to the farms. Their training should be along the lines of making them more efficient and contented with their work. A considerable number of them are admittedly of a low grade mentally; many of them could actually be classed as feeble minded. A classification should be made at an early date and those who belong in the feeble minded institution should be sent there. The majority of them, however, are sound mentally and physically, but are of different classes. Some are older; a few are actually of criminal bent. It is important to separate these from the younger boys, just as important as it is to have separate rooms in penitentiaries or jails. The accommodations are insufficient to carry out this plan unless the girls be removed.

I recommend, therefore, that the girls be removed to some other institution or place. This will permit the use of the present girls' building for the younger boys.

The farm connected with the training school should, in my judgment, be run in the nature of a demonstration farm. The boys who work thereon should be taught the art of practical farming and stock raising, preference being given to those who in the natural course of events will return to the farm. An expert and experienced head farmer should be in charge of the farm and, with the help available, this farm should in part defray the expenses of maintaining this institution.

### **School for the Blind.**

While this is one of the small institutions of the state and one of the very few which I have not visited. I am satisfied from what I can learn that it is efficiently managed. The only regrettable feature in connection with this institution is, in my opinion, that the parents of blind children within our state have not to a larger extent availed themselves of the excellent opportunity for the education of their unfortunate children.

### **State Sanitariums**

I believe it is the duty of the state, not only to extend protection and aid to those infected with tuberculosis, but of even greater importance from that standpoint is the protection of the community. It is the consensus of opinion among those who have specialized in the treatment of this malady, that it is very infectious but is curable in its early stages, and they feel that it

is a crime against society to permit those suffering from tuberculosis to spread the contagion. A large portion of this can be prevented if the state would provide adequate quarters at the Sanitariums and insist on isolation of affected persons from the community in which they live. This is a difficult matter as there are more than a thousand people deserving treatment in our state; but we can, at least, provide for such as are unable to secure proper treatment themselves and are willing to come to the Sanatoriums.

The location of our Sanatoriums near Custer, in the high altitude of the Pine Forest Region in the Black Hills, is considered by good authorities equal to the best. Although as yet in its infancy, it has too long been neglected by the legislature. Appropriations have been wholly inadequate for its needs. Superintendent R. E. Woodworth, has made an excellent record and, out of his maintenance fund and the income from the farm, in the last four years, has been able to enlarge the capacity of the institution from fourteen to forty patients. This he is too modest to speak of in his report.

There are many things needed immediately. Ten thousand dollars should be provided forthwith for the construction of more of the cheap wooden buildings-pavilions as they are called. This would provide for fifty more patients. At least one permanent fire proof building, large enough for forty or fifty persons, should be built without delay, and a central heating plant should be provided to displace the forty-nine stoves now in use.

The expense of the Sanatoriums thus far has not been much to the state. Very small appropriations have been made and only cheap wooden buildings constructed. The maintenance expense has fallen largely upon the counties having patients there, and the counties are willing to pay for a larger number. I cannot find that there is any one opposed to proper enlargements. It has simply been hampered by the lack of appreciation of its necessity, and the belief on the part of the legislature that the appropriations should be held down wherever possible. Thus the institution at the present time is entirely unable to take care of such as urgently apply for admission. Often they cannot, be received until it is too late, and the waiting list is being reduced more frequently by death' than by admission.

This condition should be remedied immediately and we should provide adequate quarters for those who should and would come to the Sanatoriums.

### **State Hospital for the Insane**

In length of service, Dr. L. C. Jlead is one of the oldest superintendents in this country, having served here as superintendent for the past twenty-five years, and in point of efficiency he is excelled by none. The general attitude of the management of this institution is best illustrated by the Superintendent's report in which consideration is given first to the care of the inmates, all other matters being secondary. The general impression prevails that an institution for the insane is a mad house, but a visit to this institution convinces one that this is simply a hospital for the mentally sick. here we find all the comforts of home life, and a medical staff of exceptional ability. Under the treatment of Superintendent Jlead and his assistants, Doctors Adams and Wilhite, many become cured or partially so, and are restored to their friends and relatives, while those incurable find a comfortable home in which to spend their last years.

Contrary to the general opinion, most of the patients confined to the asylum are quiet and easily managed and the labor that they cheerfully perform about the farm and the buildings relieves the monotony of their lives and reduces the maintenance expense of the institution and adds materially to the value of the state's property.

Dr. Mead is not only a superintendent of recognized ability, but is a business man of acknowledged standing. He can get the maximum value out of a dollar. As a builder of concrete buildings, he is a genius and the story of the construction work at the hospital is stranger than fiction. He has saved the state hundreds of thousands of dollars over what contractors would have charged, and has secured much better buildings. He is a recognized authority in the concrete building world.

The Superintendent's recommendations for appropriations for this institution should be heartily concurred in by the legislature.

Dr. and Mrs. Mead are entitled to the praise and apprecia-

tion of the citizens of South Dakota for their long years of most efficient service for the most unfortunate class of our people.

I call your attention especially to Dr. Mead's recommendations regarding commencing work immediately on the new hospital at Watertown. Dr. Mead has urged this upon several sessions of the legislature, but for reasons which it is not necessary to discuss here, no steps have been taken, except that of locating this institution upon a section of state land adjoining the city of Watertown, some twelve years ago. It is rightly urged that an institution cannot be built in a year, nor in ten years. It takes longer than that to get the grounds parked, the trees started to present anything like a home-like appearance at the institution, without which patients cannot be as successfully treated. The Yankton institution has about reached its natural limit in the number of patients. Experience has shown that it is neither profitable nor right to keep more than ten or twelve hundred patients at any hospital for the insane. The work on the second institution should have been commenced fifteen or twenty years ago. There can be no question as to the location, for it is definitely located by law, and Watertown is certainly one of the best locations that could be selected. I urge upon you the necessity of an emergency appropriation so that the work can be commenced on these grounds in the early spring. The management of this institution could be left entirely with Dr. Mead, and the state will be fortunate indeed if he is given the opportunity to make the plans and construct the buildings necessary. It will take several years before it will be in a state to receive patients, but a start should be made without delay.

It might not be amiss to say that the state of South Dakota should not permit such neglect to occur again. At the rate the patients are coming in, there will be a crowded condition at Watertown ten or fifteen years after the institution is opened. Why would not this be a good time to instruct the Board of Charities and Corrections to investigate this matter, with a view of finding a location for a third hospital, in the western part of the state, and make their report to the next session of the legislature, in order that the location might be definitely settled at an early date and preliminary work commenced as



soon as possible? It is not necessary for me to emphasize that it takes time to grow trees and that it is a necessary and very important part of an institution of this kind.

### **State Penitentiary**

Many people feel that a convict in the penitentiary is necessarily a depraved and desperate person and not entitled to any sympathy or consideration and impossible of reform. On the other hand many public spirited and well meaning citizens who are anxious to aid all reforms, and especially prison reform, take entirely the opposite view and also go to the extreme. One would almost believe it is their opinion that the better class and not the criminals are in the penitentiary. They ignore or overlook the fact that our penitentiary is in the main well kept and sanitary, and a comfortable place of existence; certainly it is when the warden has the right attitude and treats the inmates in a sensible and humane manner. It is my opinion that both are wrong. I believe that the penitentiary was established and is being maintained for the protection of society. The public have inherent rights which must be respected, and we should not let our sympathies run away with our better judgment every time some convict is able to get his friends to intercede in his behalf, and turn a confirmed criminal loose upon the community to repeat his crimes.

It is admitted that a considerable per cent of confirmed criminals, as well as of the first termers are mentally deficient and sometimes mentally unbalanced. We have no adequate system for determining these matters in this state. I believe an examination should be made of every convict before he is released as to his mental condition, and if he is found to be seriously deficient or mentally unbalanced he should forthwith be confined in some other state institution for treatment.

If proper examination were made of a criminal after a crime has been committed and before trial, it would be found that a considerable part of the criminals should be sent to the home for the feeble minded or the hospital for the insane. I recommend that a law be passed providing for examination by experts of those charged with crime who plead insanity as a defense.

It has been suggested to me that our method of handling this kind of cases should be changed so that anyone charged

with committing a crime, who enters a plea of insanity as a defense should be forthwith committed to the state hospital for the insane for the purpose of examination, observation and detention until the time of his trial. This, I think would prevent a fraudulent plea of insanity being entered. If the plea were fraudulent it would be detected and conclusive evidence! could be submitted by the experts from the state institution. If he were actually insane it certainly would not be to his disadvantage to be examined and treated by the experts at the state hospital.

It is sad to note that the larger per cent of convicts are young men. I do not believe just because they have been convicted that they need necessarily be considered confirmed criminals or vicious characters. Some times the violation of the law is merely nominal or technical; a. number of them are. sent to the penitentiary for the reason that they have neither friends, money, nor courage to defend themselves, while often the person with real criminal intent escapes punishment because of his wealth or supposed standing in the community where he resides. Our penitentiaries as now conducted do not bring about any material improvements in convicts, in fact many inmates come out worse than they went in.

I believe that a large number of criminals could be redeemed, but under existing conditions when their term has expired they find themselves homeless, almost penniless and without opportunity; no one welcomes them except those who prey upon them and help drag them down. I recommend that a separation be made of the confirmed criminals and the young convicts. We should as far as possible take charge of our natural criminals before, instead of after they commit serious crimes. This would be the better way to protect society.

The first step in prison reform is examination and classification. I think the next step is the enlargement and rechristening of the penitentiary farm, for there a. considerable number of young convicts can be taught farm work and industry and they would leave better equipped to take up their life work.

The parole system should be used more freely', but with much care and discrimination. This is only possible by having an officer who will give his entire time and attention to this

matter and get fully acquainted and in close touch with each and every convict. In many cases paroles are asked for by the less deserving, who have many friends interested to intercede in their behalf. Sometimes the more deserving have no means of getting their case before the parole authorities; many are even wholly without acquaintance in the state.

The Board of Charities and Corrections has very wisely provided for a penitentiary chaplain. I think it would be well to make him the parole officer and require that he spend his entire time at his work. Legislative action is necessary to carry out this plan.

Prison reform is right and necessary, but we must not overlook the fact that there is a criminal class: that the penitentiary is the only place to keep them and that they must be kept there for the protection of those who have obeyed the laws and are living outside its walls-the general public.

I do not believe it is practical to enlarge the twine plant. If a greater output is desired or employment needed for more of the men, a night shift can be put on. This has never been done. I do not consider this any more of a hardship on the convicts than it would be on free labor, thousands of whom do night work in factories.

### **Hemp**

Professor Holden, who is easily recognized as the foremost agriculturist of our country, advises me that in his opinion the State of South Dakota can successfully grow hemp for its twine plant at the State Penitentiary, and that other states have been quite successful along this line. My investigation discloses that there has been a very great increase in the price of hemp and that while it could be bought three years ago for 3/4c it is now being sold at 14c. This increase in price correspondingly increases the cost of binding twine to the consumer and demonstrates that some system must be devised for the securing of cheaper hemp. It is my opinion that it would be the part of wisdom for this legislature to provide for experiments in the growing of hemp on the State Penitentiary farm.

### **STATE GAME AND FISH DEPARTMENT**

I hope you will read carefully the report of the State Game and Fish Department for it contains much valuable informa-

tion. The Department has been well managed under honorable H. S. Hedrick, State Game Warden. It is now a department in fact as well as in name, and an important one. He has realized the money value to the state of game and fish. Much of his time has been spent in transplanting fish and game to parts of the state where there were none. The cost of this work has been small, especially compared to the benefits that will be derived. While it is generally believed that the production of fish within the borders of this state is small and truly it is as compared to some other state-still it is estimated by competent authority that the annual catch is upward of \$100,000. Men familiar with the productive value of our lake areas insist that, properly handled, they would produce more per acre than farm land. The Commission has expended some money in raising the water level, of different lakes, among them Lake Madison, Swan Lake and Lake Kampeska, and more should be done along this line for this state has very few deep water lakes. Higher levels can be obtained at small cost in many of our present lakes and make them fish producing. The Commission has been handicapped in this line from lack of authority to secure land at the outlet of these lakes. I recommend that full authority be given the Commission (consisting, of the Governor, the Attorney General and the State Game Warden) to secure by purchase or condemnation the land to make the necessary improvements possible.

The Department has within the last four years, purchased and distributed several thousand pheasants, which are a hardy bird and well adapted to this country. They are taking the place of the fast disappearing prairie chicken. Every county in the state has now been stocked with pheasants. They are already getting plentiful in some counties, such as Spink, which was stocked by private subscription of the citizens of Redfield long before the state purchased any birds. Their abundance in the James River Valley shows that they readily adapt themselves to this climate.

No part of the expense of this department falls upon the taxpayer. It is maintained entirely from license fees from hunters and from fines collected from violators of the game law.

The 1913 session of the legislature established a state game

preserve in Custer County on forest land owned by the state and the same has been inclosed with a high, woven wire fence, strong enough to hold game. This -nine preserve is approximately eight miles by twelve miles and has already been stocked with the following species of game : elk, buffalo, (leer, antelope and beaver. There are but a few of each and the number should be increased and other species added.

This state forest and game preserve will continue to be a place of increasing interest. It is a place of beauty and it is an inspiring sight to see our native wild game grazing\* quietly „long the wayside. The annual production of timber will make the property a source of profit forever.

The expense of fencing and stocking this preserve has been defrayed entirely out of the state game fund under the law which provides that money collected may be expended by the game commission. Some objections have been raised to this method on the ground that it is a contingent fund, but in practice it has worked out well. This is one of the appropriations over which there has been no log rolling or trading in the legislature. To my mind, it is really a budget system and the best method of handling it.

The state system of game wardens has proven to be much more satisfactory and efficient than the county system. It certainly was the part of wisdom to abolish the sixty county game wardens and have the work done by a few state wardens. The field work is now done by three wardens working full time, and by five wardens working about four months each in the fall. The game laws have been better enforced, as evidenced by the increased sale of licenses and fines collected and the expense of administering the state game law has greatly decreased. It would, however, be good business policy to add two or three more short time wardens for service during the fall months. While the present wardens manage to cover most of the territory, they have been unable to cover it all thoroughly.

The value of wild life and especially bird life to the agri' cultural and horticultural interests of the state is not realized and therefore not appreciated. If the game department could do nothing more than prevent the brutal slaughter of innocent birds, it would be of wonderful service to the people of this

state. It is the opinion of well informed men that many of our game birds, such as grouse and prairie chicken are in danger of extermination. These matters should be given your thoughtful consideration.

The salary of the state game warden is entirely inadequate for the work he is doing and the results lie is getting. I recommend that the salary be raised to \$2,500 a year. Those who buy hunting licenses recognize that it will be justice and good business to do so.

## **STATE TAX COMMISSION**

### **Taxation**

The report of the State Tax Commission is clear and comprehensive and contains much information of value to the people of this state. An examination of it is convincing that the creation of the Tax Commission has resulted in a better system of taxation and that the burden is now more justly distributed. Aside from this the Commission has succeeded in placing upon the taxing lists of this state many millions of dollars' worth of property which has heretofore escaped taxation.

Our present system of taxation is still somewhat antiquated and unjust, owing to the peculiar restrictions of our state constitution. Unfortunately, little if any further improvement is possible except by changing the constitution. The amendment proposing changes was defeated at the recent general election, due in part, as I believe, to a misunderstanding on the part of the voters and likewise because the proposed amendment was thought to be too far reaching. It is my opinion that the people are in favor of a constitutional amendment providing for a classification of property. It is my belief that a lower classification should be made on improvements. It certainly seems unfair to place such a heavy tax upon improvements while land held in idleness bears a very small burden. It is not right to penalize the farmer who improves the land, develops the country, and thereby increases land values.

### **Inheritance Tax**

The first inheritance tax law was enacted in 1905, but its purpose was not accomplished until its enforcement was placed with the Tax Commission. Results have been very gratifying

to both the public and the Tax Commission. The increase in inheritance taxes collected from estates which would otherwise have escaped taxation amounts to several times more than the entire annual expense of this department. There are now pending in the courts of this state important cases involving inheritance taxes due from foreign estates having property interests in South Dakota.

### **BOARD OF RAILROAD COMMISSIONERS**

The State Board of Railroad Commissioners has done much intelligent and effective work, has protected the interests of the shippers and consumers on every issue, has saved to the people of this state in freight and express charges many hundreds of thousands of dollars annually during recent years, and its work in requiring better and more efficient facilities: by the common carriers under its supervision is resulting in great and lasting benefit to the public. In the trial of the 191:1 Western Advance Rate ease before the Interstate Commerce Commission, the state board in defeating advances in freight and passenger rates saved to the people of this state approximately four hundred thou and dollars annually. A large portion of its time is devoted to the trial of rate cases before the Interstate Commerce Commission and several of this class of cases are pending at this time; the most noticeable and the one of greatest import being that involving rates on live stock recently instituted by the Interstate Commerce Commission, which is soon to be tried.

The products of South Dakota farms are largely shipped to points in other states and as to these shipments and the rates charged therefor the Interstate Commerce Commission has exclusive jurisdiction; and unfortunately that body has of late displayed a marked tendency to advance rates instead of lowering them. This in spite of the fact that railway earnings are admittedly large as compared with previous years. Statistics for nine months, and made the basis of calculation for the entire year, indicate that the total net income from railway operations for 1916 <sup>will-be</sup> largely in excess of those for any year in the history of the country. Compared with previous earnings the net income for 1916 shows an increase of more than 52 per cent over the fiscal year of 1915; 59 per cent over

the fiscal year of 1914; and 34 per cent over the fiscal year of 1913.

The South Dakota Commissioners are to be highly commended for their recent successful efforts in preventing an increase in the intrastate express rates. Had the proposed advance succeeded the intrastate express rates in this state would have been advanced sixty-eight and one-tenth (68.1%) per cent or in excess of two hundred thousand dollars annually.

The present effort of the railway companies to put into effect the distance scale of class freight rates fixed by the Interstate Commerce Commission in the Missouri River Nebraska cases, which will effect an increase of from twenty-five to thirty-five per cent on not only our intrastate rates but upon our interstate rates as well, is now receiving the attention of the State Board of Railroad Commissioners. These proposed advances in rates involve hundreds of thousands of dollars annually in freight charges. The trial of these and similar cases always pending before this board or being handled by it in the trial of cases before the Interstate Commerce Commission requires a great amount of technical detail and preparation and the appropriation for this department should be sufficient to enable it to prepare these cases in the most thorough manner possible.

### **Public Utilities**

Many states have enacted laws conferring upon their respective Railroad Commissioners regulatory jurisdiction over public utilities or public service corporations such as water power companies, electric light and power plants, gas companies and other utilities of a similar character. Public regulations will be more successful if initiated in the early history of an industry, and the time has now arrived in the development of South Dakota when a public utilities act should be passed conferring upon the Board of Railroad Commissioners of this state jurisdiction to regulate and control the rates, charges, service, classification, facilities and equipment of these public service corporations, and giving this Board additional funds to carry on this work. I therefore recommend that such a law be enacted at this session of the legislature.

### **STATE ENGINEER**

The office of State Engineer is becoming an important one.



Greater use should be made of it. Four years ago the legislature gave the State Engineer supervisory power over the construction of state buildings. It is a sound business policy and insures the construction of buildings planned and constructed on a scientific basis. It is good protection for the tax payers who have to bear the expense.

In order to still further encourage the usefulness of this department, I would recommend that provision be made for the State Engineer to make an efficiency survey of the heating plants and water supply systems of the various state institutions and that reports of the surveys be made to the governing boards. It may be that such a survey would be the ultimate means of much saving to the state.

### **DEPARTMENT OF IMMIGRATION**

This department is the advertising agency of the state and the development medium as far as a state may work along this line. In practice it corresponds to the agricultural bureaus of other states in the compilation and dissemination of agricultural and industrial information.

In the absence of a state labor department the immigration commissioner has been co-operating with and supplementing the work done by the federal employment bureaus. This department has done much effective work in advertising the advantages and promoting the development of the state as will more fully appear from his annual report to which you are respectfully referred.

### **PURE FOOD AND DRUG DEPARTMENT**

The report of Guy G. Frary, commissioner of this department, shows that a very important work is being done along the line of inspection of foods, drugs, meat markets, hotels, rooming houses, school houses and other public buildings. Owing to the increased use of gasoline and kerosene the work of this department and the income derived by the department has greatly increased. Your careful attention is called to Mr. Frary's report and the recommendations contained therein.

### **EXECUTIVE ACCOUNTANT**

The state has wisely provided for an executive accountant whose duties are to examine the accounts of state officers and departments as well as the accounts of counties, cities, towns

and other municipal subdivisions. In his work he is assisted by expert accountants. During the past two years the accounts of many of our counties and cities have been examined by the force in this department and the result has been that moneys improperly expended and in some instances actually misappropriated have been recovered. While an appropriation of \$12,500 was made for salaries and expenses of deputy accountants this department is in fact maintained or sustained by fees or charges against the county and municipal subdivisions whose books of account are examined. The appropriation is in fact merely temporary advancement until the bills rendered for services performed were paid. It might be well for the legislature to inquire whether there should be a direct appropriation for the per diem expenses of the assistant executive accountants or they should receive their salaries and expenses out of a contingent fund created by fees or charges imposed for examinations made.

The report of this department, page 5, discloses that moneys collected for services of the assistants of the executive accountant were in excess of the appropriation.

While much has been said and written which might lead one to believe that there was something vicious in connection with contingent funds and the public to conclude that the moneys contained in these funds are expended freely and without check or hinderance, yet it is a fact that the money covered into these funds goes into the hands of the state treasurer and the expenditures there from are made upon duly itemized and certified vouchers approved by the head of the department and by the governor, audited by the state auditor and paid by the state treasurer on warrants drawn by the auditor against the contingent fund. My experience in the legislature and my knowledge of the affairs, financial and otherwise, of this state leads me to believe that there are several departments supported by fees and charges which can better be handled through the medium of contingent funds than by direct appropriation.

### **THE SOLDIERS' HOME**

The state has wisely provided a home at Hot Springs in Fall River County for the proper shelter, protection and support of the old soldiers who risked their lives and their health

in the service of their country in the time of need. It is urged in many quarters and is undoubtedly true that provision should likewise be made to take care of the old soldiers' widows, who remained at their homes and conserved the property and nurtured and supported their families during the times when their life companions were offering up their lives upon the field of battle.

The soldiers' home as well as the old soldier, and the widow of the old soldier, should receive tender, careful and patriotic consideration by the legislature. The Soldiers' Home Board and commandant Colonel T. G. Orr and his staff, who are actively engaged in the administration of its affairs, are to be commended for their wise and beneficent management of this institution.

### **BUDGET SYSTEM**

The present method of appropriating public moneys is unsound and wasteful. It leads to trading, bickering and log rolling, not only on appropriation bills but also on bills of general interest to the people of the state: This plan has not worked out well in any state, or any country, but we have probably suffered less in South Dakota from this evil than any state in the Union. There is a strong sentiment in the state for a budget plan, making the administration responsible for each and every feature of the public expense, or the state expense. Some have proposed that the outgoing administration shall prepare the budget, or appropriation bill for the incoming administration. This might work well part of the time, but is dangerous and would surely be abused by some one.

Others have suggested that the incoming administration prepare a budget for the legislature. It is impossible to properly do this in the short time between the election and the convening of the legislature. A budget would have no value unless it was based upon careful investigation and was honestly prepared.

The above plans are the only two possible under our constitution, from which I conclude that it is impractical to inaugurate a budget system except by constitutional amendment. The main thing is that sufficient time must be provided it would therefore be necessary to postpone the convening of the legislature to a later date, say the first part of March. The

amendment should provide that the legislature cannot increase any item of the appropriation bill, but may reduce same. A state administration is in better position to deal fairly between the conflicting interests of different state institutions than are the members of the legislature. Most members of experience would welcome the change. They could then act independently and fearlessly in the discharge of their duties as legislators without any fear that such independent action would have an influence on the different items of appropriation for institutions located in their home districts. I recommend that the legislature take this matter under careful consideration and submit to the people a proposed amendment to the constitution.

### **RURAL CREDITS**

At the last election the people voted to adopt a state system of rural credits. I consider this one of the most important matters before you at this session, and believe that this will be the means of materially aiding the farming' interests' of the state. We are hoping that the federal law will be of substantial benefit in spite of its red tape features, but even if it meets the expectations of its most enthusiastic advocates, there will be much left for the state to do. If prompt action is taken by the legislature, it can probably be put into practical operation in a very few months. This is a very important matter and the law should be carefully drawn to safeguard the public interests. On the other hand, there is danger that a too restrictive statute will defeat the purpose for which it is intended.

I recommend that a department called the "State Land Bank" be created, with a superintendent who shall devote his entire time to the duties of his office, and shall be appointed by the Governor for a two year period; that the department be supervised by a board of directors consisting of the Superintendent, the Governor, the Attorney General and two directors having practical experience along these lines. I believe good men could be found who would be willing to act as directors without salaries, if their actual expenses were paid.

It has been suggested that the duties of the superintendent could be performed by some of our present state officers. There are good reasons why this is not practical, as the duties of their departments, if properly attended to, take up all their

time. Experience has shown us that when additional duties are laid upon them, they look upon these as a side line and as a rule fail to give them their full measure of attention. Then, again, officers selected for one purpose may not be specially qualified for another. There is a limit to the length we can go in consolidating offices. It is not practical to have the sheriff also act as Superintendent of Schools, even though he cover the same territory. I believe the people prefer to hold the Governor responsible for the success of this department.

### **PRIMARY LAW**

We are still in the experimental stage in primary laws. Every law so far tried has its objections, though the people consider the present one the most satisfactory so far tried in this state.

People are going to insist on choosing by primary vote the candidates for the important offices. While they justly find fault with many features of the primary law, this is one of the matters on which they are going to insist. I think the people would accept a change, providing for the minor and less important officers to be chosen by the convention system, providing it was done under a system similar to our former "Honest caucus law" and providing further that there was no opportunity to "job" the selection of delegates in the county convention. This could be avoided by electing delegates to the state convention at the same time as the primary was held for the selection of the more important state officers, such as governor, senator and congressman, as well as county officers.

One of the worst weaknesses of the primary law is that it sometimes results in a minority choice of some candidate very objectionable to the majority of the voters of the party, where there are a large number of candidates in the field. Experience has shown that this can be avoided by first and second choice voting, in which case no man could be nominated that was not the first or the second choice of a majority of thy; voters. It is not practical to apply this principle to a long ballot. This has been demonstrated in other states. But I think it might profitably be applied to the selection of three or four of the most important positions. A separate ballot could be provided for this purpose. I recommend that you take this under serious consideration and I want to remind the Re-

publican members of this legislature of their party platform pledge on this matter.

The tendency of this country in the last couple of decades, has been toward a shorter ballot, as has been exemplified in the commission form of government for cities, where no officers are elective except those very important--the commissioners. Possibly we will, within the next ten or twenty years, see this principle applied to county government also, where the County Commissioners employ the necessary clerical help at the Court House. It is likely that it would result in more efficient service and lower expense. But there is no use in attempting any such radical reform until the people are ready for it and are desirous of having it.

Before this happens we will have adopted the short form of ballot for state governments. This plan is now advocated, by many of the greatest political thinkers and writers, also by men in practical politics, such as President Wilson, ex-Presidents Roosevelt and Taft, ex-Secretary Root, Senator Lafollette and others. When our first state constitutions were being adopted, our people were afraid of centralized power such as had been vested in the King of England and abused by him. They overlooked the fact that power cannot be much abused by any officer who secures his position by popular election and whose term is short. One of the evils of the present system is divided and scattered responsibility. The people prefer to hold the governor responsible for the proper conduct of the different departments of state, though under our present form the governor has not the slightest authority over any of them. Possibly some day the governor of this state will be authorized and required to select his own cabinet, the same as the president. Certainly it would be a matter of business and common sense that he should select his own legal adviser, the attorney general; but these matters cannot be brought about except by constitutional amendment and it is my opinion that the people of this state are not yet ready to accept them. However, I expect to see the change come in the near future.

The state of New Jersey has had the short ballot since 1844. They elect no state officer except the governor. He appoints all heads of departments except those of auditor and treasurer, who are chosen by the legislature. At the Cov-

ernors' Conference I heard the Governor of New Jersey say that the plan has worked out so well that no political party has within his time advocated any change in the form. He even said that no man in public life in New Jersey had, so far as he knew, even suggested going back to the long ballot and the divided responsibility.

### **ABOLISH ONE CHAMBER**

There is considerable sentiment in favor of abolishing one legislative chamber. I think the idea is entirely practical. Our system is simply a relic of days gone before. My experience and observation as a member of the senate for several terms leads me to believe that the saving in expense is the least important item. The more important, I believe, is that it would result in better and more carefully considered laws where the responsibility was centered in one body. It is a common habit for the members of one house to feel that if there is any error or any bad feature in a bill when it passes, that the other house will surely look out for it. Each depends upon the other and neither watches as closely as it should. If you feel that a constitutional amendment along this line should be considered favorably by the voters, you should submit the same for their consideration at the next election.

### **STATE CONSTABULARY**

At the present time the state has no recognized military organization within its borders. The keeping of order falls entirely upon the local police officers, which, under normal conditions is a sufficient force for the purpose, but extraordinary conditions sometime arise during the summer months, and it is quite probable that this coming summer will see a repetition of what we had last year and probably on a larger scale. Serious trouble was threatened with the influx of transient population during harvest. South Dakota must have outside labor to harvest her crops and most of the men seeking harvest work are sober, honest, hard working men, but with there comes a considerable percentage of the lawless element who prey not only upon the people of the state, but more especially upon the laboring man. Robbery is the order of the day and murders frequently occur. Many of these undesirables travel under cover of being members of the organization known as the I. W. W.'s. They gather in large numbers in our towns

standingly, and the game laws should be so plain that they could be easily understood by the Game Warden and the public. The township laws should be plain so that the township officers may readily interpret them.

You can do the people of this state no higher service than to repeal a number of worthless laws, and to keep in mind that no law should be passed unless there is a real demand for it, and that such law is drawn so that it will accomplish the purpose for which it is intended.

Our Legislative Reference Department, under the wise administration of Mr. Doane Robinson, with wholly inadequate facilities and a want of proper assistance, has accomplished much in the way of preparing proposed measures for members of the legislature. Many of the members require assistance which they cannot now obtain in the preparation of proposed laws. In Wisconsin this department is equipped with a corps of experts skilled in the preparation of legislation and it might be well for this legislature to consider the advisability of more efficiently equipping this department for the benefit of future sessions.

I recommend that this legislature employ several attorneys to aid your committees in their work. It is cheaper to do this than to have defects pointed out in the course of litigation that results from improperly prepared laws.

Unfortunately the repealing clauses in many of our laws passed in recent years are very indefinite. The courts only can determine whether a law has been repealed and if in part, what part of it has been repealed. It is important that the repealing clauses in bills introduced at this session be definite and wherever possible specify which sections of the law are repealed.

#### **Code Revision**

It is necessary that a Code revision be secured as early as possible. I recommend that provision be made for a codification of our laws to be acted upon at the next session of the legislature. With the new codification there should be presented an act for the repeal of unnecessary or unwise statutes. The expense of this will be considerable, probably not less than \$30,000, but it is certainly to the interest of the tax payers and people of this state to have it done, and you should



not shirk responsibility merely to avoid criticism for expense incurred.

### **ASSESSMENT OF LEASEHOLD INTERESTS IN INDUSTRIAL SITES**

The question has been raised that leasehold interests in industrial sites located on the right-of-way of railway companies doing business in this state are not bearing their fair share of taxation. Under our present law the local taxing authorities assess lots actually occupied for warehouse and industrial purposes, whereas vacant lots or tracts used by the railway companies are assessed by the state tax commission. It is difficult to determine the line of demarkation : when improvements are put upon the lot the assessment is made by the local taxing authorities, and when these improvements burn down or are otherwise destroyed or removed the assessment is again made by the State Tax Commission. This results in some confusion and there is a possibility of conflict. It would be better to provide that all assessments of industrial sites-whether occupied or unoccupied-as well as all other unoccupied land belonging to railway companies be assessed by the local taxing authorities.

In some jurisdictions these leasehold interests are assessed separately at various percentages of valuation; in some states as high as that of adjoining real estate. I suggest that you investigate this matter thoroughly to see if such a plan as is now in operation in North Dakota would be better and fairer. On this subject much information that will materially assist you in arriving at a determination of this matter can be furnished by the State Tax Commission and the Railroad Commission.

### **WATERS POWER**

Water power is among the wonderful gifts Providence has bestowed upon South Dakota. In addition to the many opportunities for power development on small streams, plants of tremendous magnitude may be developed upon the Missouri river from which electric current could be distributed over a large part of the state and supplied to the consumer both in the cities and on the farms, at small cost.

I view with no small degree of concern the appropriation of natural resources by great monopolies that are relent-

less in wringing from the people extortionate prices for the necessities of life and I sincerely hope we may never permit our splendid water powers to pass from the control of the state. I believe we can in no wise better serve posterity than to acquire possession of these water powers in the name of the state and develop and operate them. To do this will require an amendment to our constitution and I am convinced that it will be the part of wisdom to submit the question to the electors and let them pass upon it as their judgment shall dictate.

### **SALARY VS. FEE SYSTEM**

The fee system is a bad one and should be avoided where it is possible to put officials on a straight salary. I have in mind especially the sheriffs of the state. I would not at this time recommend that the fee system be entirely abolished and the sheriffs put on a salary, for it might cost the tax payers more money than it does now; but I do recommend that a certain limit be placed upon the total amount of fees they should receive in pay, same as is now done with the Clerk of Courts and the Register of Deeds in the various counties. This law should take effect at the expiration of the term of the present incumbents. While the average fee income of the sheriffs is not large, it is nevertheless exorbitant in some of the larger counties. In these cases a law limiting the fee would cause the return to the county treasurer of many thousands of dollars annually.

### **IRRIGATION DISTRICT'S**

The voters at the last election amended the constitution **so** as to permit the forming of irrigation districts. A law should be passed putting this amendment into practical operation. The law could be modeled somewhat after our drainage district laws, providing for the forming of districts upon petition of resident land owners, but the administration of this law should come under the State Engineer's Department.

The purpose of this amendment was to give the property owners the right to voluntarily organize into districts in order to make it possible for them to obtain water rights, construct dams and distribute water for irrigation purposes. There are many small projects in the state where this plan seems practical, and the land owners will undoubtedly wish to undertake this work in the near future.

In addition to these smaller prospects there is at least one large one—the so-called Angostura Project on the Cheyenne River in Fall River county. The undertaking is so large that it will be difficult, if not impossible, for the settlers to successfully assume this work, but there is a probability that the federal government will undertake this construction work on a plan similar to that under which the Belle Fourche Project was built. A partial survey has already been made by our state engineer. It seems that a hundred thousand acres could be irrigated.

This land, now sparsely settled, would furnish good farms for a thousand farmers. As the federal government has had, this matter under consideration at different times, I called on the Reclamation Bureau while at Washington. They estimate that the expense of such a preliminary survey as would furnish a fair basis from which to compute the total cost would be about \$10,000. They signified a willingness to bear one-half of this expense if the state would pay the other half, and urged that prompt action was necessary in order to get the survey made and the report completed before the convening of Congress in December, 1917. I believe it would be good business judgment for the legislature to appropriate \$5,000 to be available by the first of May, 1917, for this purpose. The survey will be made by the Reclamation Bureau. It will be greatly, to our advantage to have this survey made by the federal government, whether Congress acts favorably or not, for this survey must be made before any plan can be seriously considered.

The Reclamation Bureau has also promised to submit a draft of an irrigation district law, based upon the experience of other states.

### **STATE LANDS**

The state of South Dakota owns large areas of public lands given us by the federal government for the support of various state institutions, both educational and charitable. A large acreage was also given us for the purpose of securing the state capitol, and a very small amount of this has been sold. This, I believe, is due to several causes, the main one of which is that the terms of sale are not as liberal as might be provided. This land increases very slowly in value as much of it is held in large bodies. Very satisfactory prices could

be secured for some of this land each year, providing more liberal terms were given. I believe it would be better to sell the land on a ten per cent cash payment and receive interest on the balance of the money, than to hold all of these large bodies for increased prices, especially as very little revenue is derived from the land. The terms of settlement could be on the amortization plan, similar to the rural credit law, providing for the payment of the interest and a small part of the principal each year, covering a term of twenty-five years. The state should not give deed to the land until a substantial part, say fifty per cent of the principal has been paid. Preference might be given to actual and prospective settlers and even to farmers adjoining this land. There would not be much gained by selling it to speculators, who do not improve or develop the country. The worst drawback at the present time, is that the country is undeveloped owing to the fact that much land is held in idleness.

#### **HUMANE OFFICER**

I recommend that a humane officer be provided for by law, whose duty shall be to look after neglected and mistreated children ; many states have laws of this kind. The state of Wyoming has had one for many years, which works out well in practice. This officer can also gather data about feeble minded, blind, and delinquent children and see that they are placed in proper state institutions. This officer should also be charged with the duty of enforcing the laws against cruelty to animals.

#### **WORKMEN'S COMPENSATION**

A majority of the states in the Union have adopted definite laws for workmen's compensation and inasmuch as those who have made a study of the labor question incline to the belief that this is the only equitable method of recompense for injuries sustained in the course of employment, I feel it is time for South Dakota to take a step in this direction. As this state does not yet employ large numbers of people in occupations regarded as hazardous, I would suggest that the administration of any measure of this character be placed with the Insurance Department. The law should be efficiently drafted to secure to the workmen a reasonable compensation for sickness, permanent or temporary injury and secure to his relatives a

stipulated amount in event of his death. Discrimination should be made as to whether injuries received' by him, although otherwise trivial would be such as to impair his usefulness in his trade or occupation. Whether a fund built up to secure these payments comes from a system of employers' insurance, or whether the employer prefers to carry his own risk, seems to me to be immaterial. The final test of his solvency or his arrangements to pay the benefits, should rest with the officer having the law under his supervision.

### **BETTER, ROADS-COAL LANDS**

The people have by their vote adopted the constitutional amendment for the encouragement of the construction of good roads, and this amendment also gives authority to the state to open and operate coal mines.

A fair construction would be that the people intended not only to grant legislative authority to do this, but that they really expected the legislature to put these matters into practice, providing unusual obstacles are not encountered.

Congress has made conditional appropriations for federal aid to roads and South Dakota's share for the next two years, will be nearly a quarter of a million dollars. (Larger amounts are provided for following years.) The requirements are that the state expend a like amount. We cannot afford to pass this opportunity for federal aid for good roads.

I believe it to be the duty of this legislature to also investigate thoroughly and carefully the feasibility of state coal mining and if thought practical to put the same into operation. It will, of course, increase our state expenses and make a larger tax levy necessary, but improvements cost money. Whether it be added to the state tax or the county tax may make a difference to the politician, but not to the taxpayer.

It is, of course, very desirable to hold the state tax levy down to the present low mark of one mill that is, one dollar for each thousand dollars worth of property. This, as far as I have been able to learn, is the lowest of any state in the Union. but this legislature should, and I believe will, take a broad view of all these matters. Your first duty is to safeguard all the interests, educational, moral and economic, of the people of this state. Our educational institutions must be enlarged and improved as necessity requires. Our charitable institutions

must not be neglected. The unfortunate confined therein are entitled to your careful and earnest consideration. Property, life and public health must be protected. The business affairs of the state must be conducted on a business basis. Expenses must be met where they are necessary and investments made when needed, and I consider it quite proper to make the appropriation necessary to secure this federal aid for our roads, and if feasible to open up and develop coal mines on our state lands.

Every appropriation bill should be scrutinized very carefully; it is important to make every dollar go as, far as possible; there should be no waste, you are handling the people's hard earned money.

### **MARKET COMMISSIONER-TERMINAL, ELEVATORS**

I fully realize that many of you are adverse to creating new offices; still, there is not a man among you but will employ additional help on your farm and in your business establishments if in your judgment it is profitable to do so. State offices are entirely business affairs. Business rules and common sense should govern. The experience of other states shows that the salary paid a market commissioner has come back to the producers of the state ten-fold, many times a hundred-fold or even a thousand-fold, and I believe this would be equally, true in South Dakota. Our state is productive but our people are not getting the prices to which they are entitled for their products. Single handed they are unable to materially remedy conditions. You will agree with me that it is the province of the state to protect and aid the individual whether lie be engaged in agriculture or other enterprise. here is a good place to accomplish something.

To protect the man who produces the grain from the interests which dictate and control the price to the advantage of the speculator, must be the duty of the state. Whether this duty can best be done by the state erecting grain storage warehouses, or in some other way, is a subject for careful study.

The unusual demand caused by the war has increased prices,, and it is argued that the producer ought to be satisfied, but why should he in war times or times of peace be deprived of an open and free market? "The interests of both the producer and the consumer should be protected. It would seem

that something could be done to get the consumer and producer closer together to the advantage of both.

I recommend that a legislative committee be instructed to take under serious consideration the question of creating the office of Market Commissioner, the establishment of terminal grain elevators, the proper grading of grain and seeds, and all other matters pertaining to the marketing of agricultural products of this state in order that the producer may receive a just compensation, which he is not receiving at the present time, This legislative committee charged with the duty of making this investigation should consist of producers and others who are acquainted with the difficulties of properly marketing the agricultural products of this state.

### **MILITARY DEPARTMENT**

Adjutant General Morris, and his assistants, are to be congratulated upon the showing made by the Organized Militia of the State of South Dakota. So far as I have been able to ascertain, from such investigation as time and opportunity allowed me to make, the affairs of the Department have been managed in an economical and businesslike manner. The splendid showing made at the mobilization, under the order of President Wilson, June 18, 1916, indicates a thorough and systematic organization, and I desire to congratulate the officers and men of the Fourth South Dakota Infantry for their efforts and the unusual sacrifice that they have made for their country, and feel that the State of South Dakota should be justly proud. of the splendid reputation acquired by the Fourth Infantry while serving on the Mexican Border. This sacrifice made by the officers and men of this organization should entitle the Organized Militia of the State of South Dakota to a careful consideration of their needs and generous support at the hands of this legislature.

The report, as submitted by The Adjutant General, is a concrete statement of the workings of the Department and gives a complete and detailed statement of the mobilization of the troops in June. The report contains recommendations submitted by The Adjutant General for the maintenance of the guard and care of the property for which the state is accountable to the United States. I ask that careful consideration be given to the recommendations submitted by The Adjutant

General. Time and space will not permit me to speak of all the recommendations so made, but I wish to call your attention to some of them.

The Adjutant General recommends that the tract of land known as the Fort Sisseton Reservation, a tract of about twenty acres in the City of Huron, and about thirteen acres at Camp Roosevelt, all of which belongs to the state military department, be sold and the proceeds applied toward the purchase of a state camp site.

He also recommends that that portion of Camp Roosevelt deeded to the State of South Dakota by the County of Codington, for use as a Military State Camp Ground, be conveyed back to the County of Codington for the reason that Camp Roosevelt is no longer adequate for the demands of a state camp ground, under the present regulations of the War Department.

He further recommends that a commission consisting of the Governor, Commissioner of School and Public Lands, and The Adjutant General of the State, be authorized and empowered to sell the several tracts of land above mentioned, and to purchase a suitable site for a state camp ground and rifle range, and erect upon such camp site so purchased, a suitable storehouse, and that funds be appropriated to meet the necessary expenditures in carrying out the work of the commission. and that this commission be likewise authorized, on behalf of the state, to recommend to Congress that the land owned by the Federal government, being One Hundred Twenty acres at Camp Roosevelt, be sold and the proceeds applied toward the purchasing of a site for a state camp.

The provisions of the act, known as the Defense Act, recently enacted by Congress, makes necessary certain amendments to our present military code, and these amendments must be enacted by the Legislature before the state can participate in the funds appropriated by Congress. In view of the necessary amendments which must be made and the present unsatisfactory condition of our Military Code, The Adjutant General urges a complete revision of the code, and in this recommendation I concur.

In view of the requirements under the Act of Congress by which the State College at Brookings receives a liberal ap-



appropriations from Federal funds, such appropriation being made with the direct understanding that a thorough course of military training shall be provided for, and in order to comply with such requirements, I recommend that proper and adequate provision be made for carrying out the military training at this school, and that provision be made for a suitable armory.

It is my opinion that careful consideration should be given to the recommendations of The Adjutant General, as to the needs of the Organized Militia, and that reasonable appropriation be made for the maintenance of the Organized Militia of the state.

### **INITIATIVE AND REFERENDUM**

South Dakota was one of the first states in the Union to adopt this principle of legislation by popular vote. We can now speak from eighteen years of experience. During that time only one law has been adopted by the initiative; this was the so called Richards Primary Law (which the preceding legislature refused to pass.) It proved so unpopular that after two years it was denounced by both political parties and was in response to an insistent public demand, repealed by the legislature, the Republican party pledging- itself in its platform to repeal the law. That party was victorious and its pledge was kept, although several Democratic leaders also joined in voting for its repeal. This action of the legislature has since been approved by the voters in refusing to re-enact the law.

Much was hoped for from the referendum feature, which contains a provision under which those who are dissatisfied with a law passed by the legislature may upon the filing of a petition signed by five per cent of the votes suspend the operation of the law until the next election, at which time the voters may either ratify or defeat it. It was believed that this would be a convenient weapon in the hands of the people to defeat legislation detrimental to the interests of the people and of the state' In actual practice it has proved a disappointment to its most enthusiastic champions, of which I was one, for not only has it failed of its purpose, but it has actually become an instrument in the hands of special interests, and especially corporate interests to whom it is no hardship to secure the necessary signatures to a referendum petition. Nearly everybody appears to be willing to sign these petitions. It has become

a common practice to pay the solicitor ten cents per signature and the expenditure of from five to six hundred dollars serves the purpose of vetoing or suspending the operation of a law passed by this commonwealth, for a period of two years-until the next general election.

The first use of the referendum feature was the suspension of Chapter 132 of the laws of 1907, relating to divorces. South Dakota was at that time the mecca for the divorce business of the United States owing to the short term of residence required. In response to public demand the above law was passed, which required a longer term of residence and imposed restrictions upon the granting of divorces. Opposition to this law came from those deriving revenue from the business. They raised a small fund and had no difficulty in securing the necessary signatures to a referendum petition. This suspended the operation of the law until the next general election and the iniquity continued in spite of the action of the legislature.

In 1909 the legislature at the suggestion of train men as well as the traveling public, enacted a law requiring electric headlights for locomotives. The headlights then in use were the old kerosene lamps, entirely inadequate for the purpose. Wrecks frequently occurred, resulting in the loss of life and property. But after the law had been passed the referendum was invoked. It was very convenient and comparatively inexpensive for the railroad companies to secure signatures to the necessary referendum petition, which suspended the operation of the law and by the repeated use of this method delayed the installation of electric headlights for a period of four years.

During the 1911 session a bill relating to the liquor traffic was unlawfully altered by unknown persons in the interests of the liquor business after the bill had passed both Houses. The following legislature by an act corrected the effect of this alteration only to have the liquor men by a referendum petition suspend the operation of this act and finally secure its defeat at the polls.

In another case the law relating to the removal of county seats was referred because of the activities of only one man

who was renting a building to a county for court house purposes.

While it is possible that in some instances some benefits have accrued, it is not argued seriously that these benefits offset the injuries caused by referending and defeating good and wholesome laws. While the voters are thoroughly competent to pass on all these matters, they have not in the past taken much interest in referred laws. They are considered purely incidental to a political campaign, where many other matters distract their attention. With the interested parties the operation is directly the reverse and money is freely expended in the publication and dissemination of misleading and positively untruthful advertisements. Those who advocate the law and believe in it, do not feel that they should spend their money in a publicity campaign, and in most instances they cannot afford to do it. "What is everybody's business is nobody's business." In this way the public that hear but one side of the question are misled and the result is no more than can be expected.

In the history of our state it has never been charged that any action of our legislature in passing or defeating any measure has ever been due to bribery or the expenditure of money, and it is sad to note that the referendum, which was intended to protect the public, has been the instrument used by selfish and unscrupulous interests to bring about the defeat of good laws.

The principle of the referendum cannot be popularized in South Dakota unless its defects are remedied. You should give earnest consideration to this matter to see if a better plan cannot be worked out. I suggest that you take such steps as you believe will meet the wishes of the people. It may be difficult to secure a change, for those who profit by it are keenly alive to their advantage. I have placed this matter before you that our people may realize the danger of the situation. It was never intended to grant any corporation,

interest or individual the right to veto or suspend the operation of laws by the expenditure of five or six hundred dollars.

### **INTEREST RATE**

In this state the maximum rate of interest is 12%, ex-

cept on real estate loans. I recommend that a law be passed reducing this to 10%.

### **TORRENS SYSTEM OF LAND TITLES**

Our present system of land titles and abstracts is cumbersome, expensive and unsatisfactory. The defects are not so keenly felt in this as in older states, but are becoming more apparent each year. The Torrens system seems to supply a remedy. It has been thoroughly tried out in Australia, Canada and many of our states. Under the present system a number of our citizens have by diligent application built up a large and comparatively remunerative business in the preparation of abstracts of titles. It would be unfair to put them out of business or destroy their investment abruptly. It will take several years to put this Torrens system into operation, and in the meantime these abstracters will be afforded an opportunity to harmonize and re-establish their business in conformity with the new law. A start should, in my judgment, be made without any further delay.

### **ADDITIONAL JUDICIAL CIRCUIT**

It is seriously contended that the trial dockets of the circuit courts in the counties comprising the first and second judicial circuits are congested to such an extent that serious delay, amounting almost to a failure of justice, results, and that an additional judicial circuit should be carved out or created from the counties comprising these two circuits and an additional circuit judge provided. This matter should receive the careful consideration of the legislature.

It is now almost universally agreed that much of the delay in our trial courts is due to that branch of the law known as the Code of Procedure and that there is a present immediate need for a reformed procedure which will facilitate the disposition of causes and prohibit delays, except in extreme cases.

It has frequently been urged that many civil cases for trivial amounts should be tried in lower courts where there would be less delay and a minimum of expense. The objection is raised by attorneys that in some counties there is too much delay in the decision of cases after the trial is had and in passing on motions for new trial. This, however, presents

a political issue which should receive consideration when our trial judges are selected.

I earnestly urge upon this legislature such a change in our laws as will compel the trial of the trivial cases in our lower courts, as otherwise additional circuit judges will have to be provided at frequent intervals. Unfortunately there is such a congestion of litigation in the first and second circuits that there is in my judgment no remedy except for this legislature to establish an additional judicial circuit, much as I regret it.

### **CONCLUSION**

There are several other departments and institutions which should receive consideration in this message but I feel that I must forego further discussion at this time. Let me urge upon you to take up your work promptly and to complete it as far as possible as you go along in order that there may not be the usual congestion during the last week or ten days of the session when so many errors creep in and ill-advised measures are placed upon our statute books.

I feel it is your real duty to introduce your bills as early in the session as possible in order that the committees which are usually short of work during the early part of the session may have time to give careful consideration to the various proposed laws. In my opinion it is highly important that the committees have sufficient time to thoroughly investigate the wisdom and advisability of putting upon our statute books the various measures proposed.

That we may work together in harmony for the best interests of the state we all love so dearly is my one great desire and to this end I ask your earnest co-operation.